

**FILED**

**DEC 07 2015**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JARBOR MCELROY a/k/a LATWAHN )  
MCELROY, )

Plaintiff, )

v. )

W. L. MUNIZ, et. al., )

Defendants. )

No. C 15-00042 EJD (PR)

ORDER GRANTING MOTION FOR  
ADDITIONAL TIME TO FILE MORE  
INFORMATION FOR UNSERVED  
DEFENDANTS; REQUESTING  
LITIGATION COORDINATOR ASSIST  
PLAINTIFF IN IDENTIFYING PROPER  
DEFENDANTS

(Docket Nos. 80, 81, 82, & 83)

On July 16, 2015, Plaintiff, a state prisoner at Pelican Bay State Prison, filed a first amended pro se civil rights action pursuant to 42 U.S.C. § 1983 against prison officials at Salinas Valley State Prison ("SVSP") and Folsom State Prison ("FSP") where he was previously incarcerated. On September 10, 2015, the Court issued a partial order of service upon SVSP Defendants. (Docket No. 19.) On September 22, 2015, Litigation Coordinator G. Lopez sent a letter to the Court stating that Defendant Supervisor Dr. Norum had passed away. (Docket No. 43.) Mr. Lopez also sent letters to the Court stating that there have never been any officers by the names of "J. Kidd" and "A. Orenalis" employed at SVSP. (Docket Nos. 45 and 55.) Because Defendants Supervisor Dr. Norum, J. Kidd and A. Orenalis had not been served, Plaintiff was directed to provide the Court with more information regarding these Defendants or face dismissal of the

1 claims against them. (Docket No. 74.)

2 In response, Plaintiff has filed several motions seeking additional time for  
3 discovery and to order Defendants to provide addresses for the unserved defendants or be  
4 subject to sanctions. (Docket Nos. 80, 81, 82, and 83.) The motion for additional time is  
5 GRANTED. Plaintiff is granted an additional thirty days from the date this order is filed  
6 to file the necessary information. Plaintiff's motion for an order compelling Defendants  
7 to provide addresses for unserved Defendants is DENIED as it appears that the SVSP  
8 Litigation Coordinator has responded in good faith based upon the information provided  
9 by Plaintiff.

10 Plaintiff concedes that it is possible that Defendants Kidd and Orenalis' initials or  
11 name may be misspelled. (Docket No. 82 at 3.) In order to assist with the correct  
12 identification of these individuals, Plaintiff is directed to provide the Litigation  
13 Coordinator with all the information within his possession, e.g., badge number, rank, and  
14 work place assignment at the time of the alleged incidents, to enable the Coordinator to  
15 identify the proper defendant. He shall immediately send the information directly to G.  
16 Lopez at SVSP, and file a copy with the Court. The Court requests that the Litigation  
17 Coordinator respond to Plaintiff's request with the name of the correct individuals, if he is  
18 able to identify them, by filing notice with the Court **no later than fourteen days from**  
19 **the date he receives Plaintiff's request.** The Coordinator is also requested to provide  
20 the contact information for the estate of Defendant Supervisor Dr. Norum, if that  
21 information is known, by filing notice with the Court in the same time provided.

22 Ultimately, it is Plaintiff's responsibility to locate the unserved Defendants. If  
23 Plaintiff fails to provide the Court with the an accurate and current addresses for  
24 Defendants Kidd and Orenalis and the estate of Defendant Supervisor Dr. Norum **within**  
25 **thirty (30) days** of the date this order is filed, Plaintiff's claims against these Defendants  
26 will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil  
27 Procedure.

28 ///

1 This order terminates Docket Nos. 80, 81, 82, and 83.

2  
3 DATED: \_\_\_\_\_

12/4/15



EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JARBOR MCELROY,  
Plaintiff,

v.

W. L. MUNIZ, et al.,  
Defendants.

Case No. 5:15-cv-00042-EJD

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/7/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jarbor McElroy ID: P-71922  
Pelican Bay State Prison (PBSP)  
P. O. Box 7500  
Crescent City, Ca 95532

Dated: 12/7/2015

Susan Y. Soong  
Clerk, United States District Court

By: Elizabeth C. Garcia  
Elizabeth Garcia, Deputy Clerk to the  
Honorable EDWARD J. DAVILA